

AMENDMENTS TO THE DRAWINGS:

Replacement drawings of Figures 1-7 are attached in Appendix A for approval by the Examiner. Figures 1-7 are amended to more clearly show the tapered main section as claimed. Applicants respectfully submit no new matter has been added.

REMARKS/ARGUMENTS

Claims 22 – 24 and 26 – 42 were presented for consideration in the present application and claims 22 – 24 and 26 – 43 pending upon entry of this Amendment. Claim 43 is new. Applicants acknowledge with appreciation the indication that claims 22 – 24, 26 and 27 are allowed. By the present Amendment, Applicants have not amended any of allowed claims 22 – 24, 26 and 27. Accordingly, Applicants respectfully submit that claims 22 – 24, 26 and 27 should remain allowed. For at least the reasons set forth below, Applicants respectfully submit that claims 28 – 43 are patentable over the cited art.

Applicants gratefully appreciate the courtesies extended by the Examiner during the telephone interview conducted on April 9, 2009 (“Examiner Interview”). In accordance with that interview, Applicants submit the following.

The Examiner requested that Figures 1-7 be amended to more clearly show the tapered main section as claimed. Replacement drawings of Figures 1-7 are attached in Appendix A for approval by the Examiner. Figures 1-7 are amended to more clearly show the tapered main section as claimed. Applicants respectfully submit no new matter has been added.

Claims 28 and 39-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 7,172,573 to Lamb (hereinafter “Lamb”). Claim 42 stands rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Lamb. Claims 29-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lamb. For at least the reasons set forth below, Applicants submit that claims 28-41 are not disclosed or suggested by Lamb.

Independent claim 28 provides that the portions of the center axis in the tapered main section, the insertion tip and the finger grip are in the same plane.

As acknowledged during the Examiner Interview, Lamb does not disclose or suggest that the portions of the center axis in the tapered main section, the insertion tip and the finger grip are in the same plane, as recited by claim 28. Rather, as clearly shown in Figures 1-10, the Lamb device is angled or curved. Furthermore, Lamb provides "Typically, these conventional devices comprise a blunt, straight, hollow tube or barrel into which a plunger or piston or ejector can be inserted from one end, with a medicament or object chamber being provided at an opposed end (emphasis added)." (col. 1, lines 11-15). Lamb further provides "Often women do not know that the vagina is angled upwards from its opening and that it is not horizontal. After inserting a leading end of the conventional device through the vaginal opening in the horizontal direction, the leading end collides with the back wall of the vagina, which is painful and causes the user to think that the device has reached the limit of the vagina. The user then deposits the medicament or object at a too shallow depth in the vagina." (col. 1, lines 29-41). Thus, Lamb teaches away from the portions of the center axis in the tapered main section, the insertion tip and the finger grip are in the same plane, as recited by claim 28.

Accordingly, independent claim 28 and claims 29 – 42 that depend therefrom are patentable over Lamb. Applicants respectfully request reconsideration and withdrawal of the rejections of claims 28 – 42.

New dependent claim 43 recites that the second outer dimension of the gripping region is uniform from the third plane to the fourth plane, and that the second region increases in diameter from the fourth plane to the end of the barrel opposite of the insertion tip. Applicants respectfully submit that Lamb fails to disclose or suggest claim 43. In particular, no portion of the gripping portion of Lamb is uniform.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney

would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

April 22, 2009

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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APPENDIX A